

C. Remarks

The claims are 74-78, with claim 74 being independent. Claim 74 has been amended to address the formal issues raised by the Examiner. Also, this claim has been amended to clarify that individual spots in each square section are spaced apart from each other. Support for this change may be found throughout the specification and the drawings, for example, at page 26, lines 11-15 (substitute specification). Claim 77 has been amended to reflect the changes in claim 74. New claim 78 has been added. Support for this claim may be found, *inter alia*, at page 33, lines 20-24 (substitute specification). No new matter has been added. Reconsideration of the present claims is expressly requested.

Initially, Applicants and their attorneys would like to thank the Examiner for the courtesies extended during telephonic interviews conducted on or about May 31, 2007 and October 18, 2007. During both interviews, the issue related to the written description rejection of claim 74 was discussed. Applicants' undersigned attorney pointed out where the specification provides support for the claimed features and the Examiner indicated that further consideration would be necessary. Also, during the latter telephonic interview, the Examiner advised the undersigned that the discussion of the cited references and the figures provided in the Response filed August 14, 2007 were acceptable. However, the Examiner maintained the rejection as outlined below, because the claims were allegedly not commensurate in scope with the remarks regarding Fig. A provided with the

August 14, 2007 Response. The Examiner suggested amending claim 74 to specify that each test sample is spotted in individual spots that are spaced apart from each other.

Claims 74-77 stand rejected 35 U.S.C. § 112, first paragraph, for allegedly failing to comply with the written description requirement. Specifically, the Examiner continues to allege that the specification as originally filed does not support the range of the side lengths of square sections and the absence of walls partitioning the sections.

In response, without conceding the correctness of the rejection, Applicants have amended claim 74 to delete the reference to the side length range and the absence of walls partitioning the sections. Accordingly, this rejection should be withdrawn.

Claims 74-77 stand rejected as being allegedly anticipated by U.S. Patent No. 5,700,637 (Southern) or U.S. Patent No. 5,807,522 (Brown). The grounds of rejection are respectfully traversed.

Prior to addressing the merits of rejection, Applicants would like to briefly discuss some of the features of the presently claimed invention. That invention is related to a method of detecting a complex formed between an oligonucleotide having a known base sequence and an object that is to be identified via hybridization with the probe. Plural types of oligonucleotides having known base sequences different from one another are fixed in square sections on a detection substrate. At least two test samples are spotted in each section. Specifically, a predetermined liquid amount of each of the test samples is spotted in each section in such a manner that individual spots in each section are sufficiently spaced from each other to conduct a complex-forming reaction between the

oligonucleotide and the object component at each spot. This is schematically demonstrated in Fig. A that was provided with the Response filed August 14, 2007.

Brown discloses a testing procedure that is different from the presently claimed method. Specifically, Brown teaches loading a hybridization solution onto the substrate. This reference does not disclose or suggest spotting a predetermined liquid amount of each of the test samples in each section in such a manner that individual spots are sufficiently spaced from each other to conduct a complex-forming reaction between the oligonucleotide and the object component in each spot. This is schematically demonstrated in Fig. B provided with the August 14, 2007 Response. Clearly, Brown cannot affect the patentability of the presently claimed invention.

Southern is directed to an apparatus and method for analyzing a polynucleic sequence. Souther teaches laying down the matrix using low-cost ink-jet technology (col. 6, lines 31-55). Then, a test sample is supplied for hybridization. This is schematically demonstrated in Fig. C provided with the August 14, 2007 Response. However, like Brown, Southern fails to disclose or suggest spotting a predetermined liquid amount of each of the test samples in each section in such a manner that individual spots are sufficiently spaced from each other to conduct a complex-forming reaction between the oligonucleotide and the object component in each spot. Thus, Southern also cannot affect the patentability of the presently claimed invention.

In sum, it is clear that neither of the cited references, whether considered separately or in combination, discloses or suggests all of the presently claimed elements.

Wherefore, withdrawal of the outstanding rejections and expedient passage of the application to issue are respectfully requested.

This Amendment should be entered, because it places the case in allowable form. Alternatively, it places the case in a better form for a possible appeal.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

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